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EXAMINER

DANIELS, MATTHEW J

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 5 October 2009 have been fully considered. Arguments with respect to the rejection of Claim 23 under 35 USC 112, first paragraph, for use of the term "dyed" are withdrawn. All other rejections are maintained. The arguments appear to be on the following grounds:

a) The "dyed" term is supported by the original terms in the PCT application, and has been incorporated into the specification.

b) Rohrbacher does not disclose a dyed layer as claimed. Rohrbacher discloses multiple layers, at least one containing a thermoplastic pigment, paint, or a pigmented coat.

c) Furuya fails to disclose the dyed film, and there is no evidence that the film disclosed in Furuya can be used with the method of Rohrbacher.

2. Response:

a) An oral translation of the cited terms in the WIPO document was conducted on 19 October 2009 and revealed that the terms "colored" and "dyed" are each valid translations of the terms "eingefärbt" and "durchgefärbt." Therefore, the rejection of Claim 23 under 35 USC 112, first paragraph is withdrawn. Other rejections are maintained.

b) The arguments and the specification do not appear to point out any distinction between a dyed film and a colored film. When translated from German, these terms appear to be synonymous. Additionally, Applicants admit that there is at least one colored layer in the Rohrbacher film, and it is unclear to the Examiner why these layers are distinguishable from a dyed film.

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c) The Examiner remains of the view that in forming the multilayered film of Rohrbacher, coextrusion by a process such as that of Rohrbacher would have been an obvious technique for forming the film.

Additionally note that the amendment to the specification appears to add new matter not supported by the specification as originally filed (the last sentence of the amended paragraph). The amendments to Claim 27 are not being entered since they would require at least further consideration.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. DANIELS whose telephone number is (571)272-2450. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Matthew J. Daniels/
Primary Examiner, Art Unit 1791
10/19/09